

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**EDWARD TYRONE RIDLEY,**

**Plaintiff,**

**V.**

**TARRA JACKSON, et al.,**

## Defendants.

**CIVIL ACTION NO. 5:22-CV-229 (MTT)**

## ORDER

United States Magistrate Judge Charles H. Weigle recommends denying Plaintiff Edward Tyrone Ridley's motion to proceed *in forma pauperis* and dismissing his claims without prejudice. Doc. 7. As the Recommendation outlines, Ridley has incurred at least three strikes under 28 U.S.C. § 1915(g), and he is not under imminent danger of serious physical injury. *Id.* at 1-7.

During the objection period, Ridley filed an amended complaint (Doc. 10) and later a motion to amend (Doc. 13). Leave to amend should be “freely give[n] ... when justice so requires.” Fed. R. Civ. P. 15(a)(2). The Court “need not, however, allow an amendment ... where amendment would be futile.” *Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)). “[D]enial of leave to amend is justified by futility when the complaint as amended is still subject to dismissal.” *Hall v. United Ins. Co. of Am.*, 367 F.3d 1255, 1263 (11th Cir. 2004) (internal quotation marks and citation omitted). Ridley’s amended complaint recounts

the same allegations provided in his original complaint. Therefore, Ridley's motion to amend (Doc. 13) is **DENIED** as futile.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 7) is **ADOPTED** and made the Order of the Court. Accordingly, Ridley's motion to proceed *in forma pauperis* (Doc. 2) is **DENIED** and his complaint is **DISMISSED** without prejudice. Furthermore, Ridley's motion for extension of time (Doc. 11) is **DENIED** as moot.

**SO ORDERED**, this 12th day of October, 2022.

S/ Marc T. Treadwell  
MARC T. TREADWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT